



California Regional Water Quality Control Board

San Francisco Bay Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis
Governor

Date:

File No.: 2179.7038 (JE)

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

Mr. David Castagnola, Superintendent,
Cities of South San Francisco and San Bruno
195 Belle Air Road
South San Francisco, CA 94080

RE: Mandatory Minimum Penalty assessed under Water Code Sections 13385 (h) and (i)

Dear Mr. Castagnola,

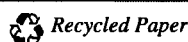
According to monitoring reports received, there were a total of 27 effluent limit violations of the Discharger's NPDES permits during the period between September 1, 2001 and January 31, 2002. There were fifteen cyanide daily maximum violations on December 6 and 7, 2001, November 4, 21 and 26, December 3, 10 and 14, 2002, and January 6, 9, 14, 16, 20, 22 and 30, 2003. There were two fecal 10-sample 90th percentile violations on December 17, 2001 and March 8, 2002. There was one settleable matter daily maximum violation on December 29, 2001, and a monthly average settleable matter violation in December 2001. There were five acute toxicity 11-sample 90th percentile percent survival violations on: June 26, December 2, two on December 5, 2002 and one on January 6, 2003. There were three acute toxicity 11-sample moving median percent survival violations on May 13 and 27, and June 11, 2002.

All twenty-seven of the violations are subject to a \$3,000 mandatory minimum penalty, for a total penalty of \$81,000.

I plan to bring this matter to the Regional Board at its September 17, 2003 meeting. You have three options:

1. You can appear before the Board at the meeting to contest the matter. Written comments are due by 5:00 p.m., August 16, 2003. At the meeting the Board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the case to the Attorney General to have a Superior Court consider imposition of a penalty.
2. You can waive the right to a hearing by signing the last page of the Complaint and checking the first box. There will be no hearing on this matter, provided no significant


California Environmental Protection Agency



2. You can waive the right to a hearing by signing the last page of the Complaint and checking the first box. There will be no hearing on this matter, provided no significant public comment is received by Board staff prior to close of the comment period. By checking the first box and signing the waiver you agree to pay the liability within 30 days after the signed waiver becomes effective.
3. You can waive the right to a hearing and agree to undertake a Supplemental Environmental Project (SEP) by signing the Waiver and checking the second box. There will be no hearing on this matter, provided no significant public comment is received by Board staff upon closure of the comment period. By checking the second box and signing the waiver, you agree to complete an SEP in lieu of paying a suspended amount of up to \$48,000 of the penalty and remit the balance of the fine to the State Water Pollution Cleanup and Abatement Account within thirty (30) days after the signed waiver becomes effective. Note that the SEP must be acceptable to the Executive Officer of the Board. If the Executive Officer determines that either, the SEP proposal is not acceptable, or the SEP is not adequately completed within the approved time schedule, you will be required to pay the suspended liability within 30 days of notification by the Executive Officer.

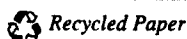
For options 2 or 3 above, you are requested to mail and fax a copy of the signed waiver to the attention of Joseph Ernest at (510) 622-2460 no later than 5:00 p.m., August 16, 2003, and if you intend to complete an SEP, a preliminary proposal must accompany the waiver for approval of concept. If you have any questions regarding this matter, please contact Joseph Ernest of my staff at (510) 622-2391 or email address je@rb2.swrcb.ca.gov.

Sincerely,


Loretta K. Barsamian
Executive Officer

Enclosure: Complaint No. R2-2002-0119

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Gray Davis
Governor

Date: JUL 18 2003

File No.: 2179.7038 (JE)

CERTIFIED MAIL NO. 2 160 645 244
RETURN RECEIPT REQUESTED

Mr. David Castagnola, Superintendent,
Cities of South San Francisco and San Bruno
~~North Bayside System Unit~~
~~750 Phelps Street~~
~~South San Francisco, CA 94124~~

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